

**FILED**

SEP 29 2021

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

JAMISI J. Callaway CDK NO. P97743

Name and Prisoner/Booking Number

CHCF- Stockton CSA/113

Place of Confinement

7707 S. AUSTIN ROAD

Mailing Address

Stockton, CA. 95213

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Jamisi Jerome Callaway

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. 1:21-cv-01450-BAM (PC)  
(To be supplied by the Clerk)

(1) Chief Medical Executive A. Yousef

(Full Name of Defendant)

(2) Chief Medical Executive S. Davenport

(3) Chief Medical Officer S. Lopez

(4) Chief Medical Officer M.A. Felder

Defendant(s).

☒ Check if there are additional Defendants and attach page 1-A listing them.

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

A. JURISDICTION

**RECEIVED**

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☒ Other: AMERICAN WITH DISABILITY ACT AND SOL OF THE REHABILITATION ACT OF 1973 AND THE Americans with Disabilities Act (ADA) AND (AKP) 42 U.S.C. 12101 (X)(1)(4)(A), 42 U.S.C. 12102, 42 U.S.C. 12132, AND 42 U.S.C. 12203 (b)(1)(2)(3).

2. Institution/city where violation occurred: WACO STATE PRISON / KILPATRICK STATE PRISON

CONTINUED DEFENDANTS;

- (5) Chief Physician AND Surgeon, M. SPAETH
- (6) Chief Physician AND Surgeon, N. IGBINOSA
- (7) Psychiatrist, H. AZIZI
- (8) Medical Doctor, I. PATEL
- (9) REGISTER NURSE, DOE BAKTULABA
- (10) REGISTER NURSE, DOE GIWA
- (11) REGISTER NURSE, DOE JESUS
- (12) WARDEN, C. PFIFFER
- (13) Chief Deputy WARDEN, S. SWAIM
- (14) ASSOCIATE WARDEN - ADA, J. CASTRO
- (15) APPEAL ANALYST, A. MEJIA
- (16) CARE COMPLIANCE ANALYST, B. KEMP
- (17) HEALTH CARE GRIEVANCE COORDINATOR, S. BERDA
- (18) CORRECTIONAL OFFICER, DOE RUA
- (19) CORRECTIONAL OFFICER, M. CUENAS
- (20) CORRECTIONAL OFFICER, A. VILA
- (21) CORRECTIONAL OFFICER, J. TAVAKA
- (22) CORRECTIONAL OFFICER, DOE LOPEZ
- (23) CORRECTIONAL CAPTAIN, W. HAMMER
- (24) CORRECTIONAL LIEUTENANT B. WILSON
- (25) CORRECTIONAL SERGEANT, M. MARTINEZ
- (26) CORRECTIONAL OFFICER, DOE SLATE
- (27) CORRECTIONAL OFFICER, B. BETANCOURT
- (28) CORRECTIONAL OFFICER, D.A. LOPEZ
- (29) CORRECTIONAL SERGEANT, I. ROSALES
- (30) CORRECTIONAL OFFICER J. VALDEZ

CONTINUED DEFENDANTS:

- (31) CORRECTIONAL OFFICER, B. RIOS
- (32) CORRECTIONAL OFFICER, A. VARGAS
- (33) CORRECTIONAL OFFICER, F. JIMENEZ
- (34) CHIEF DEPUTY WARDEN, D. SMITH
- (35) CHIEF PSYCHIATRIST, Y. KAO
- (36) CHIEF PSYCHIATRIST, D. RIAK
- (37) PSYCHOLOGIST, A. AHLMEYER
- (38) PSYCHOLOGIST, H. DIAZ
- (39) PSYCHOLOGIST, T. LOAK
- (40) PSYCHOLOGIST, H. SMUZYNSKI
- (41) DAVITA HEALTHCARE, INC.
- (42) NEPHROLOGIST VAKANASI R. UMAMAHESWARA
- (43) REGISTERED NURSE NICOLE GOMEZ
- (44) TECHNICIAN ROGER FINCH
- (45) TECHNICIAN LOUIS FANSECA
- (46) TECHNICIAN ASHANTZ DOE
- (47) CHIEF MEDICAL EXECUTIVE M.A. FELDER
- (48) CORRECTIONAL OFFICER, DOE Celdon

### B. DEFENDANTS

1. Name of first Defendant: A. Youssse. The first Defendant is employed as:  
Chief Medical Executive at Wasco State Prison  
(Position and Title) (Institution)
2. Name of second Defendant: S. Davenport. The second Defendant is employed as:  
Chief Medical Executive at Kern Valley State Prison  
(Position and Title) (Institution)
3. Name of third Defendant: S. Lopez. The third Defendant is employed as:  
Chief Medical Officer at Kern Valley State Prison  
(Position and Title) (Institution)
4. Name of fourth Defendant: M.A. Felder. The fourth Defendant is employed as:  
Chief Medical Officer at Kern Valley State Prison  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

### C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 11. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: Samuel J. Callaway v. Contra Costa County, et al.
    2. Court and case number: C-01-2689-SAB
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) yes, yes AND NO
  - b. Second prior lawsuit:
    1. Parties: Samuel J. Callaway v. Scribner, et al.
    2. Court and case number: 1:05-cv-01284-BAM
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) yes, NO AND NO: CASE WAS SETTLED IN SETTLEMENT
  - c. Third prior lawsuit:
    1. Parties: Samuel J. Callaway v. M. Veal, et al.
    2. Court and case number: 2:09-cv-02907-GER-2FB
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) yes, NO AND NO: CASE WAS SETTLED IN SETTLEMENT

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

5. NAME of fifth Defendant: M. SPARTH. The fifth Defendant is employed AS: Chief Physician AND Surgeon AT Kern Valley STATE Prison.

6. NAME of sixth Defendant: N. IGBINOSA. The sixth Defendant is employed AS: Chief Physician AND Surgeon AT Kern Valley STATE Prison.

7. NAME of seventh Defendant: H. AZIZI. The seventh Defendant is employed AS: psychiatrist AT Kern Valley STATE Prison.

8. NAME of eighth Defendant: I. PATEL. The eighth Defendant is employed AS: Medical Doctor AT Kern Valley STATE Prison.

9. NAME of ninth Defendant: DOZ BAKTULABA. The ninth Defendant is employed AS: REGISTER NURSE AT Kern Valley STATE Prison.

10. NAME of tenth Defendant: DOZ GIWA. The tenth Defendant is employed AS: REGISTER NURSE AT Kern Valley STATE Prison.

11. NAME of eleventh Defendant: DOZ JEBUS. The eleventh Defendant is employed AS: REGISTER NURSE AT Kern Valley STATE Prison.

12. NAME of twelfth Defendant: C. PIFFER. The twelfth Defendant is employed AS: WARDEN AT Kern Valley STATE Prison.

13. NAME of THIRTEENTH Defendant: S. SWAIM. The THIRTEENTH Defendant is employed AS: Chief Deputy WARDEN AT Kern Valley STATE PRISON.

14. NAME of FOURTEENTH Defendant: J. CASTRO. The FOURTEENTH Defendant is employed AS: ASSOCIATE WARDEN-ADA AT Kern Valley STATE PRISON.

15. NAME of FIFTEENTH Defendant: A. MEJIA. The FIFTEENTH Defendant is employed AS: Appeal ANALYST AT Kern Valley STATE PRISON.

16. NAME of SIXTEENTH Defendant: B. KEMP. The SIXTEENTH Defendant is employed AS: CASE COMPLIANCE ANALYST AT Kern Valley STATE PRISON.

17. NAME of SEVENTEENTH Defendant: S. SERDA. The SEVENTEENTH Defendant is employed AS: HEALTH CARE GRIEVANCE COORDINATOR AT Kern Valley STATE PRISON.

18. NAME of EIGHTEENTH Defendant: DOE PUGA. The EIGHTEENTH Defendant is employed AS: CORRECTIONAL officer AT Kern Valley STATE PRISON.

19. NAME of NINETEENTH Defendant: M. CUEVAS. The NINETEENTH Defendant is employed AS: CORRECTIONAL officer AT Kern Valley STATE PRISON.

20. NAME of TWENTIETH Defendant: A. VILA. The TWENTIETH Defendant is employed AS: Correctional officer AT Kern Valley STATE prison.

21. NAME of TWENTYFIRST Defendant: J. TAVKA. The TWENTYFIRST Defendant is employed AS: Correctional officer AT Kern Valley STATE prison.

22. NAME of TWENTYSECOND Defendant: DOZ LOPEZ. The TWENTYSECOND Defendant is employed AS: Correctional officer AT Kern Valley STATE prison.

23. NAME of TWENTYTHIRD Defendant: W. HAMMER. The TWENTYTHIRD Defendant is employed AS: Correctional CAPTAIN AT Kern Valley STATE prison.

24. NAME of TWENTYFOURTH Defendant: B. WILSON. The TWENTYFOURTH Defendant is employed AS: Correctional LIEUTENANT AT Kern Valley STATE prison.

25. NAME of TWENTYFIFTH Defendant: M. MARTINEZ. The TWENTYFIFTH Defendant is employed AS: Correctional DEPUTY AT Kern Valley STATE prison.

26. NAME of TWENTYSIX Defendant: DOZ SLATER. The TWENTYSIX Defendant is employed AS: Correctional officer AT Kern Valley STATE prison.

27. NAME OF TWENTYSEVENTH Defendant: B. BRANCAKT.  
The TWENTYSEVENTH Defendant is employed AS:  
CORRECTIONAL OFFICER AT KERN VALLEY STATE PRISON.

28. NAME OF TWENTYEIGHTH Defendant: D.A. LOPEZ.  
The TWENTYEIGHTH Defendant is employed AS:  
CORRECTIONAL OFFICER AT KERN VALLEY STATE PRISON

29. NAME OF TWENTYNINTH Defendant: I. ROSALES.  
The TWENTYNINTH Defendant is employed AS:  
CORRECTIONAL SERGEANT AT KERN VALLEY STATE PRISON

30. NAME OF THIRTIETH Defendant: J. VALDEZ.  
The THIRTIETH Defendant is employed AS:  
CORRECTIONAL OFFICER AT KERN VALLEY STATE PRISON.

31. NAME OF THIRTYFIRST Defendant: B. RIOS.  
The THIRTYFIRST Defendant is employed AS:  
CORRECTIONAL OFFICER AT KERN VALLEY STATE PRISON.

32. NAME OF THIRTYSECOND Defendant: A. VARGAS.  
The THIRTYSECOND Defendant is employed AS:  
CORRECTIONAL OFFICER AT KERN VALLEY STATE PRISON.

33. NAME OF THIRTYTHIRD Defendant: F. JIMENEZ.  
The THIRTYTHIRD Defendant is employed AS:  
CORRECTIONAL OFFICER AT KERN VALLEY STATE PRISON.

34. NAME of THIRTYFOURTH Defendant: S. SMITH.  
The THIRTYFOURTH Defendant is employed AS:  
Chief Deputy WARDEN AT KERR VALLEY STATE PRISON.

35. NAME of THIRTYFIFTH Defendant: Y. KAO.  
The THIRTYFIFTH Defendant is employed AS:  
Chief PSYCHIATRIST AT KERR VALLEY STATE PRISON.

36. NAME of THIRTYSIX Defendant: D. PILAK.  
The THIRTYSIX Defendant is employed AS:  
Chief PSYCHIATRIST AT KERR VALLEY STATE PRISON.

37. NAME of THIRTYSEVENTH Defendant: A. AHLMAYER.  
The THIRTYSEVENTH Defendant is employed AS:  
psychologist AT KERR VALLEY STATE PRISON.

38. NAME of THIRTYEIGHTH Defendant: H. DIAZ.  
The THIRTYEIGHTH Defendant is employed AS:  
Psychologist AT KERR VALLEY STATE PRISON.

39. NAME of THIRTYNINTH Defendant: T. LOAK.  
The THIRTYNINTH Defendant is employed AS:  
Psychologist AT KERR VALLEY STATE PRISON.

40. NAME of FORTIETH Defendant: H. SMOZYNSKI.  
The FORTIETH Defendant is employed AS:  
Psychologist AT KERR VALLEY STATE PRISON.

41. NAME OF FORTYFIRST Defendant: DAVITA HEALTHCARE, INC. THE FORTYFIRST Defendant IS EMPLOYED AS: PRIVATE CONTRACTOR OF CDCR/CCHCS WASCOS STATE PRISON.

42. NAME OF FORTYSECOND Defendant: VAKANASI R. UMAMAHESWARA. THE FORTYSECOND Defendant IS EMPLOYED AS: SUB CONTRACTOR OF DAVITA HEALTHCARE, INC. AS A NEPHROLOGIST MEDICAL DOCTOR AT WASCOS STATE PRISON.

43. NAME OF FORTYTHIRD Defendant: NICOLE GOMEZ. THE FORTYTHIRD Defendant IS EMPLOYED AS: REGISTERED NURSE OF DAVITA HEALTHCARE, INC. AT WASCOS STATE PRISON.

44. NAME OF FORTYFOURTH Defendant: ROBERT FINCH. THE FORTYFOURTH Defendant IS EMPLOYED AS: TECHNICIAN OF DAVITA HEALTHCARE, INC. AT WASCOS STATE PRISON.

45. NAME OF FORTYFIFTH Defendant: LOUIS FONSICA. THE FORTYFIFTH Defendant IS EMPLOYED AS: TECHNICIAN OF DAVITA HEALTHCARE, INC. AT WASCOS STATE PRISON.

46. NAME OF FORTYSIX Defendant: ASHANTE DOE. THE FORTYSIX Defendant IS EMPLOYED AS: TECHNICIAN OF DAVITA HEALTHCARE, INC. AT WASCOS STATE PRISON.

47. NAME of FORTSEVENTH Defendant: M.A. Felder.  
The FORTSEVENTH Defendant is employed AS:  
Chief Medical Executive at Kern Valley State Prison.

48. NAME of FORTEIGHTH Defendant: Doc Celdan.  
The FORTEIGHTH Defendant is employed AS:  
Correctional officer at Kern Valley State Prison.

C. CONTINUED: PREVIOUS LAWSUITS

d. Fourth prior lawsuit:

1. PARTIES: JAMISI J. Callaway V. Howard, et al.,
2. COURT AND CASE NUMBER: 1:08-CV-01896-LJO-GSA
3. RESULT REACHED: YES, YES AND NO: TRIAL NOT GUILTY

e. Fifth prior lawsuit:

1. PARTIES: JAMISI J. Callaway V. Scribner, et al.,
2. COURT AND CASE NUMBER: 1:11-CV-01090-LJO-SAB
3. RESULT REACHED: YES, YES AND NO

f. Sixth prior lawsuit:

1. PARTIES: JAMISI J. Callaway V. CDCK et al
2. COURT AND CASE NUMBER: 1:13-CV-00747-SAB
3. RESULT REACHED: YES, YES AND NO

g. Seventh prior lawsuit:

1. PARTIES: JAMISI J. Callaway V. CDCK, et al.,
2. COURT AND CASE NUMBER: 1:16-CV-01305-DAD-MJS
3. RESULT REACHED: YES, YES AND NO

h. Eighth prior lawsuit:

1. PARTIES: JAMISI J. Callaway V. D. NEVES, et al.,
2. COURT AND CASE NUMBER: 2:19-CV-01792-CKD
3. RESULT REACHED: Pending

C. CONTINUED: PREVIOUS LAWSUITS

I. NINTH PRIOR LAWSUIT:

1. PARTIES: JAMISI J. Callaway V. R. DAVIS, ET AL.,
2. COURT AND CASE NUMBER: 4:19-CV-06758-JSW
3. RESULT REACHED: pending

J. TENTH PRIOR LAWSUIT:

1. PARTIES: JAMISI J. Callaway V. B. Duffy, ET AL.,
2. COURT AND CASE NUMBER: 2:16-CV-02532-WBS-DMC
3. RESULT REACHED: pending

K. ELEVENTH PRIOR LAWSUIT:

1. PARTIES: JAMISI J. Callaway V. M. WAKTEL, ET AL.,
2. COURT AND CASE NUMBER: 2:20-CV-1384-CKD
3. RESULT REACHED: pending

## D. CAUSE OF ACTION

## CLAIM I

1. State the constitutional or other federal civil right that was violated: AMERICAN WITH DISABILITY ACT AND SOL OF THE REHABILITATION ACT OF 1973 AND ARMSTRONG REMEDIAL PLAN (ADA) AND (ARP) 42 U.S.C. 12101, 42 U.S.C. 12102, 42 U.S.C. 12132 AND 42 U.S.C. 12203

2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                                | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                               | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Disability Discrimination</u> |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Being Plaintiff HAS - physical AND mental disabilities of 2nd stage life sustaining renal disease under going Hemodialysis AND Depression Having suicidal ideations ON 3-12-19 when Plaintiff was unlawfully transported to WABCO STATE PRISON AND RETURNED TO CHFC STOCKTON THEN TRANSPORTED TO WABCO STATE PRISON AGAIN ON 3-14-19 DISCONTINUING Plaintiff D.M.E'S. Plaintiff's life was maliciously placed in imminent danger By Defendant chief medical executive, A. YOUSSEF, M.D. AT WABCO STATE PRISON when since Plaintiff arrival He was discriminated against His disabilities of His DPO chronic of a wheel chair, 90 DEGREE KNEE BRACE, AND His prescription 242 GHERES TO SEE. Plaintiff was also Denied His out-patient Having unit status of medical Having AND THE Disability Discrimination was personal to Deprive plaintiff of A Deprivation of A Constitutional Right under The American with Disability Act AND SOL of The Rehabilitation Act of 1973 AND ARMSTRONG REMEDIAL PLAN (ADA) AND (ARP) 42 U.S.C. 12101, 42 U.S.C. 12102, 42 U.S.C. 12132 AND 42 U.S.C. 12203 By His personal Actions Depriving plaintiff

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Plaintiff Suffered A PERMANENT CLOTTED ACCESS TO HIS VEINS AND Emotional Stress. Also Plaintiff Suffered NEAR DEATH FROM High Potassium AND Several Hospitalizations From Defendant Personal Actions AND INACTIONS TO ACCOMMODATE Plaintiff.

5. Administrative Remedies:

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

Due to his Disability of Having, Accommodations, Hemodialysis Health Services and etc. when plaintiff was transferred to Kern Valley State Prison on 4/10/19 a non-medical designated out-patient housing unit (OHU) that was not facilitated to properly house plaintiff in (OHU) or provide plaintiff equal access of health services for his high risk serious medical needs and safety of hemodialysis which Defendants' warden C. Pfitter, Doctor J. Patel personally discriminated against plaintiff's disabilities when they housed plaintiff at KVS B-Yard with a chest catheter in a volatile imminent danger to plaintiff safety and welfare, because all high risk dialysis patients was transferred out when the hemodialysis program services was discontinued at KVS by the California Department of Corrections and Rehabilitation. Plaintiff immediately submitted Bureau CDCK 1824 Reasonable Accommodation Request to Defendants' Warden, C. Pfitter and Doctor, J. Patel under the Americans with Disability Act and 504 of the Rehabilitation Act of 1973 and Administrative Remedial Plan (ADA) and (ARP) 42 U.S.C. 12101, 42 U.S.C. 12102, 42 U.S.C. 12132, and 42 U.S.C. 12203. Plaintiff was maliciously thwarted, stonewalled, whitewashed, obstructed and rebuffed by Defendants' Associate Warden - ADA, J. Castro, Chief Medical Officer, S. Lopez, Chief Physician Surgeon, M. Speth, Inmate Appeals Analyst, A. Mejia, Health Care Compliance Analyst, B. Kemp, Health Care Grievance Coordinator, B. Breda, Senior Psychologist Supervisor, S. Ahlmyer,

Personal Actions in Their Reasonable Accommodation Panel (RAP) Response and Their prohibition Against Retaliation and Coercion. Plaintiff was left to die in his cell at KUSP for weeks when he was Denied Equal Health Services for his life Sustaining Hemodialysis out of Retaliation as Plaintiff was maliciously Discriminated Against as a Individual Because The Defendants opposed A Act to Deny Plaintiff Health Care Services of Hemodialysis and ADA Transportation to Hemodialysis with Air Condition in the vehicles and Because Plaintiff Made A Charge in his CDCR 1824 Request The Defendants Refused and Disregarded to Investigate Plaintiff's Accommodations By Their Interference, Coercion and Intimidation protected under 42 U.S.C. 12203 (b)(1)(2)(3) when Defendants, Warden C. Pfitter, Medical Doctor, I. Patel, Associate Warden-ADA, J. Castro, Chief medical officer, S. Lopez, Chief Physician Surgeon, M. Spatz, inmate Appeals Analyst, A. Mejia, Health Care Compliance Analyst, B. Kemp, Health Care Grievance Coordinator, S. Sedat, Senior psychologist Supervisor, S. Ahlmeyer and Chief executive officer, S. Davenport left Plaintiff to die in his cell weeks without on site Dialysis at their own site CDCR facilities with Harass and telling Plaintiff He would die if He Don't Return to Wasco State prison. If Plaintiff Don't Give up his Right of Equal Treatment of Accommodations to on site Dialysis and Harass for his High Risk Health Care Services and ADA Transportation S. Plaintiff suffered Personal

Physical AND Emotional Harm on 8/1/19 After  
 Receiving A life Sustaining Access through His  
 Surgery That Was Deliberate maliciously UNWANTEDLY  
 DAMAGED on 8/28/19 From The Refusal to Accommodate  
 Plaintiff High Risk Serious Medical needs and Safety  
 From RESTRAINTS cutting off The circulation of Blood  
 Flow From The authorization of Defendant(S)  
 WARDEN C. PFIFFER AND Chief Medical Executive  
 M.A. Felder Refusal to Accommodate ADA TRANS-  
 PORTATION, Health care services, Also causing plaintiff  
 Access to clot up permanently By Their Discrimination  
 Placing plaintiff after Surgery in RESTRAINTS with  
 Severe low Hypotension in over Heated VAN(S) and  
 Vehicle(S) with NO Active AIR Condition For prisoners  
 which caused plaintiff Hypotension to Dangerously Drop  
 Low AND His Access to clot off By Time He  
 Arrived at His Dialysis verified and witnessed  
 By RESTRAINT NURSE "IRLEEN FINCH" whom immediately  
 ordered emergency Health services to DecloTT Access.  
 Because Defendant, Medical Doctor, I. PATEL Delay  
 of NOT EVALUATING plaintiff's new Access From  
 The time of His Discharge on 8/2/19 OR AS OF The  
 DATE 9/10/19. Despite plaintiff's Continued  
 Request For reasonable accommodations Addressing  
 The RESTRAINTS, Transportation Drive that waves  
 For (2) STRAIGHT weeks AND never Addressing  
 Plaintiff's low Hypotension AND clotting perma-  
 nently DAMAGING His life Sustaining Access.

DUE TO THE CONTINUED DISCRIMINATION OF EXCLUDING  
 PLAINTIFF FROM PARTICIPATION IN OUT-PATIENT HOUSING  
 (OHU) AND ON SITE HEMODIALYSIS TREATMENT AND  
 DENYING PLAINTIFF THE BENEFITS OF A PUBLIC ENTITY'S  
 SERVICES, PROGRAMS AND ACTIVITIES AND PLAINTIFF'S  
 DISCRIMINATION WAS BY REASON OF HIS LIFE SUSTAINING  
 DISABILITIES FROM DIALYSIS AFTER DEFENDANT(S)  
 FRUSTRATED THE EFFECTIVENESS OF ADA-RELATED  
 GRIEVANCES BY THREATENING, COERCING AND INTIMI-  
 DATING PLAINTIFF INTO FORGONE HIS RIGHTS TO  
 REQUEST REASONABLE ACCOMMODATIONS TO FILE ADA-  
 RELATED GRIEVANCES WHICH CONSTITUTES A DEPRIVATION  
 OF THE AMERICAN WITH DISABILITIES ACT AND SON OF  
 THE REHABILITATION ACT OF 1973 AND THE ARMSTRONG  
 REMEDIAL PLAN (ADA AND (ARP), 42 U.S.C. 12101, 42 U.S.C.  
 12102, 42 U.S.C. 12132 AND 42 U.S.C. 12203 CAUSING  
 EVEN FURTHER HARM ON 9/18/19, 9/20/19 AND 10/9/19  
 WHEN DEFENDANT REGISTER NURSE, DOE BARTULABA REFUSED  
 INTENTIONALLY TO ACCOMMODATE PLAINTIFF'S HIGH RISK  
 DIALYSIS MEDICAL NEEDS AND SAFETY AFTER PLAINTIFF  
 PERSONALLY INFORMED DEFENDANT REGISTER NURSE, DOE  
 BARTULABA THAT HE COULDN'T BREATHE IN THE  
 TRANSPORTATION VEHICLES #125 AND #310. NO  
 ARRANGEMENTS FOR ADA TRANSPORTATION OR BY  
 AMBULANCE WAS PROVIDED AND EACH TIME DEFENDANT  
 REGISTER NURSE, DOE BARTULABA 1ST CUSTODY  
 OVER RIDE HER AUTHORITY WHEN DEFENDANT(S)  
 CORRECTIONAL OFFICER, DOE PUGA, CORRECTIONAL OFFICER,  
 M. CUEVAS, CORRECTIONAL OFFICER, A. VILA,  
 CORRECTIONAL OFFICER, J. TAVELA, CORRECTIONAL OFFICER,

DOE LOPEZ AND CORRECTIONAL OFFICERS. DOE CELDON EACH TIME INTERFERED WITH PLAINTIFF MEDICAL LIFE SUSTAINING NEEDS AND SAFETY WHEN THEY INFORMED DEFENDANT REGISTER NURSE, DOE BAKTULABA THAT HE REFUSED DIALYSIS WHICH WAS NOT THE CASE AND DESPITE PLAINTIFF COMPLAINTS OF SEVERE CHEST PAIN PLAINTIFF WAS SENT TO HIS CELL EACH TIME WITHOUT TREATMENT BY DEFENDANT(S) REGISTER NURSE, DOE BAKTULABA, REGISTER NURSE, DOE GIWA AND REGISTER NURSE, DOE JESUS WHO THREATEN PLAINTIFF WITH DEATH TO PLEASE COMPLY AT (KUSP) AS PLAINTIFF SUFFERED SEVERE CHEST PAIN AND SHORTNESS OF BREATHING FOR MONTHS AND MONTHS DECLINING DUE TO THE STAFF CULTURE THAT CONDONES STAFF MENTAL AND PHYSICAL ABUSE BY THE DEFENDANTS IN VIOLATION OF AMERICAN WITH DISABILITIES ACT AND 504 OF THE REHABILITATION ACT OF 1973 AND ARMSTRONG REMEDIAL PLAN (ADA AND (AKP), 42 U.S.C. 12101, 42 U.S.C. 12102, 42 U.S.C. 12132 AND 42 U.S.C. 12203, DAVITA HEALTH-CARE, INC. AND ITS STAFF NEPHROLOGIST VARANASI UNIAMAHESWARA, AND REGISTER NURSE, NICOLE GOMEZ DELIBERATELY DISCRIMINATED AGAINST PLAINTIFF'S DISABILITIES OF SEVERE LOW BLOOD PRESSURE, TRANS-PORTATION, HEALTH SERVICES AND PREVENTING PLAINTIFF ACCESS FROM CLIPPING OFF WHEN THEY REFUSED TO RESCHEDULE PLAINTIFF TREATMENT TO THE MANDATE ACCOMMODATING PLAINTIFF'S 1824 REQUEST TO STOP TRANSPORTING HIM IN THE AFTERNOON DURING THE HEAT WAVE IN THE SUMMER WHICH WAS TORTURE AND CAUSED PLAINTIFF LIFE SUSTAINING ACCESS TO CLIPPING OFF ON 8/29/19 PERMANENTLY WHEN THEY DID NOTHING.

## CLAIM II

1. State the constitutional or other federal civil right that was violated: Deprivation of Plaintiff's First, Eighth AND Fourteenth Amendment Constitutional Rights.

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation             |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |  |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

After plaintiff was injured falling in his cell due to his severe low hypertension and high risk for falling from his bed due to his medical needs and Defendants' wardens C. Pfeffer, Chief Executive Officer, M.A. Felder and Medical Doctor, I. Patel direct deliberate refusal to protect plaintiff High Risk Severe Medical Needs, Safety and Welfare without delay from removing plaintiff severe right shoulder rotator cuff damages and tears for over 7 months after returning from a off-site hospital and discharged under the care of Medical Doctor, I. Patel. Plaintiff Severe Medical Needs, Safety and Welfare was delayed by Medical Doctor, I. Patel personally when he ignored plaintiff's off-site discharge orders pointing out possible tear to plaintiff right shoulder rotator cuff after falling in his cell. Despite plaintiff requested X-ray and a MRI for almost a year that was threatened and undermined of Defendant, Medical Doctor, I. Patel delay to follow up with plaintiff treatment needs for therapy or to further diagnose plaintiff severe pain stopping plaintiff

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Plaintiff injured to his rotator cuff: there is a full-thickness tear affecting both the supraspinatus and infraspinatus tendon with retraction to the level of the Glenohumeral joint. There is atrophy of both the supraspinatus and infraspinatus muscles. There is partial tear of the subscapularis contribution to the rotator cuff.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

FROM RECEIVING ADEQUATE SLEEP FOR YEARS.  
 DEFENDANT(S) WARDEN C. PFITZER, Chief executive officer, M.A. Felder AND Medical Doctor, I. Patel Delayed plaintiff X-RAYS AND MRI leaving plaintiff in severe pain which was a Direct Deprivation to Deprive plaintiff of His Eighth Amendment Constitutional Right to Be Free From Cruel and unusual punishment AND Deliberate indifference to plaintiff's serious High Risk medical needs, Safety and welfare. Because Their Direct Personal Delay to Treat plaintiff or Refer plaintiff to a specialist For the Damage to plaintiff's Right Shoulder immediately For His Shoulder Joint Pain For Years Delaying Plaintiff's process to Heal AND Causing irreparable Further Harm AND Injuries.  
 DEFENDANT(S) WARDEN C. PFITZER, Chief executive officer, M.A. Felder AND Medical Doctor, I. Patel Have medical indifference plaintiff's serious Medical needs, Safety and welfare of plaintiff's Right Shoulder Rotator Cuff Tears Since May 7, 2019 Through 2021 which plaintiff still HAS Suffered UNBearable SEVERE PAIN AND Sleep Deprivation. On 1/28/20 After Filing A Direct Health Care Grievance For A Second time AGAINST Defendant Medical Doctor, I. Patel He Had custody escort plaintiff to Bayard clinic which plaintiff WAS PERSONAL Announced By Defendant Medical

Doctor, I. Patel in Direct Retaliatory Reprisal  
 of Plaintiff Health Care Grievances Since His  
 Arrival on 4/10/19 as He Attacked Plaintiff Verbally  
 Making Discriminatory Racial Degradatory State-  
 ments which was a Deprivation to Deprive  
 Plaintiff of His First Amendment Constitutional  
 Right to Be Free to Redress pending Grievances  
 of The Americans with Disabilities Act and SO4  
 Rehabilitation Act of 1973 AND ARMSTRONG Remedial  
 Plan (ADA AND (AKP), 42 U.S.C. 12101, 42 U.S.C. 12102,  
 42 U.S.C. 12132 AND 42 U.S.C. 12203 AND CIVIL  
 UNUSUAL Punishment AND Deliberate Indifference  
 to Delay Plaintiff's High Risk Severe medical  
 Needs, Safety AND Welfare to PROTECT Plaintiff's  
 Equal Protection to ACCESS Health Care Services  
 to BE TREATED FROM His Severe Injuries to His  
 Right Shoulder Rotator Cuff Tears. Defendant  
 Medical Doctor, I. Patel Became INCASED After  
 Plaintiff Pointed out His Delay to Treat His  
 Severe medical Needs STATING to Plaintiff to  
 Get His "Black Ass" at His medical clinic AND  
 THAT HE DO NOT FUCKING WANT to SEE Him. Refusing  
 Plaintiff Severe medical Needs AS CUSTODY  
 WITNESSED His Conduct AND Did NOTHING  
 to PROTECT Plaintiff FROM The Verbal Attack  
 to INCITE Violence AND Racial Discrimination.  
 Defendant(s) WARDEN C. PIFFEE AND Chief  
 Executive officer, M.A. Felder Both Did NO

INVESTIGATION OR INTERVIEWED Custody officers  
J. Anderson OR J. Perez who personally witnessed  
Defendant Medical Doctor, I. Patel misconduct  
AND IN RESPONSE STATING DEFENDANT(S) WARDEN  
C. PITTRE, Chief Physician Surgeon N. IGBINOSA,  
AND Chief executive officer Responded THAT WITH  
RESPECT TO one OR more OF THE ISSUE Grievred,  
IT HAS BEEN CONCLUDED THAT STAFF DID NOT VIOLATE  
CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
REHABILITATION POLICY, IN THEIR RESPONSE TO  
UNDERMINED plaintiff RIGHT TO REDRESS GRIEVANCES  
WITHOUT RETALIATION plaintiff DENIES medical  
NEEDS, SAFETY AND WELFARE FURTHER DELAYED  
PLAINTIFF'S DIAGNOSIS AND TREATMENT DATED  
JULY 15, 2020 THROUGH 2021 PRESENT DATE.

## CLAIM III

1. State the constitutional or other federal civil right that was violated: Deprivation of Plaintiff's First, Eighth AND Fourteenth Amendment Constitutional Rights

2. Claim III. Identify the issue involved. Check only one. State additional issues in separate claims.

- ☐ Basic necessities      ☐ Mail      ☐ Access to the court      ☐ Medical care  
☐ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☒ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☐ Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On 5/20/20 of Plaintiff Right to Redress His Grievances of The Continued Americans with Disabilities Act AND SO4 of The Rehabilitation Act of 1973 AND ARMSTRONG Remedial Plan (ADA) AND (ARP) of 42 U.S.C. 12101, 42 U.S.C. 12102, 42 U.S.C. 12132 AND 42 U.S.C. 12203, CR2.1 & Unusual Punishment AND Deliberate Indifference of Plaintiff High Risk Sexually medical needs, Safety and Welfare. Plaintiff was maliciously Sadistically Retaliated, Use of Excessive Force AND Subjected to CR2.1 AND Unusual Punishment AND Deprivation TO Deprive Plaintiff Equal Protection. Plaintiff was in Direct Compliance of CDCR Policies AND Procedure of Title 15 Section 3005.1(2)(b) on 5/20/20 when Plaintiff Found Defendant Technician LOUIS JONASICA DANITA HEALTH CARE, INC. Employee A PRIVATE CONTRACTOR WITH CDCR/CC HCS Identification Prison Card placed in Plaintiff Dressing Supplies. Plaintiff immediately once Discovering the lost or misplace Identification Prison Card He informed His Building officer in The tunnel where incarcerated Plaintiff

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Plaintiff Suffered A Mental AND Physical Break Down AttemptING (3) Suicides, Hospitalization FROM NEAR DEATH, UNCONSCIOUSNESS, Severe loss of Blood, Bleeding FROM RECTUM AND Severe Hypotension AND Injuries to Right Shoulder of A TORX ROTATOR CUFF AND Subjective

5. Administrative Remedies. Plaintiff to COVID-19 CONTACT.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

to turn over Defendant, technician Louis Fonseca Prison Card Identification to Defendant(s) Correctional officer, B. Betancourt and Correctional officer, Doe Blater. The next Day on 5/21/20 Plaintiff was escorted to B-yard program and placed in a Holding cell cage and left in Restraints for hands cuffed behind his back and Denied his ADA/ACP Accommodation and Medical chrono to use waist restraints only, Doe to Plaintiff Damages to Both Arms from cuffed acrosses being injured. And No Accessibility to Sit Down was offered to Plaintiff and when he complained to custody he was asked to "stop bitching and to shut the fuck up before they beat plaintiffs ass". Doe to Plaintiff Being Retaliated Against and the interference, coercion and threatening intimidation to use excessive force and violence in Discrimination of Plaintiff Disabilities Plaintiff was maliciously Sadietally placed on AD-SIE status by Defendant(s) Correctional Sergeant, M. Martinez, Correctional Lieutenant, B. Wilson, Correctional Captain, Correctional officer, B. Betancourt and Correctional officer, Doe Blater. Plaintiff was Denied a 114-D lock-up order then issued a fabricated 1-15 RVC Rule Violation Report that Plaintiff furnished equipment for an escape and

ALSO STATED PLAINTIFF WAS IN POSSESSION OF  
 ESCAPE PARANORMALIA WHEN ALL PLAINTIFF DID WAS  
 REMOVED WHAT WAS PLACED IN HIS SUPPLIED INTENTIONAL  
 ACT OF RETALIATION AND REPERALS. EVEN THOUGH  
 PLAINTIFF PERSONAL MADE DEFENDANT WARDEN C. PITTER  
 AWARE OF HIS OFFICERS RETALIATORY CONDUCT HE STILL  
 DIRECTLY DENIED PLAINTIFF THE CHAIR OF COUNSEL  
 114-D LOCK UP REVIEW WITHIN 24 HOURS AND I.C.C.  
 REVIEW WITHIN (10) DAYS OF THE NEXT I.C.C.  
 REVIEW. DEFENDANT(S) CORRECTIONAL OFFICER, B.  
 BETANCOURT, CORRECTIONAL SERGEANT, M. MARTINEZ  
 CORRECTIONAL LIEUTENANT, B. WILSON, CORRECTIONAL  
 CAPTAIN, W. HAMMER, CLINICAL PSYCHOLOGIST, H. DIAZ,  
 AND DAVITA HEALTHCARE, INC. LAIS FONSECA DIRECT  
 LIES CAUSED PLAINTIFF TO HAVE A COMPLETE MENTAL  
 AND PHYSICAL BREAK DOWN CAUSING PLAINTIFF  
 SUICIDAL IDEATIONS ON 5/21/20 IN WHICH DUE  
 TO THE 114-D LOCK UP ORDER AND THEIR DIRECT  
 RNR 1-15 REPORTS PLAINTIFF WAS WILLING TO  
 KILL HIMSELF BY UNCAPPING HIS CATHETER.  
 PLAINTIFF WAS PLACED IMMEDIATELY IN THE  
 MENTAL HEALTH CRISIS BED (MHCB) ON 5/21/20  
 BY A JANE DOE PSYCHOLOGIST. YET ON 5/22/20  
 PLAINTIFF WAS MALICIOUSLY SADISTICALLY DENIED  
 SUICIDAL PRECAUTION WHEN PLAINTIFF WAS  
 DELIBERATELY, THREATENED, STANDEWALLED, WHATEVER  
 OBSTRUCTED AND REBUFFED BY DEFENDANT(S)  
 CHIEF PSYCHIATRIST, Y. RAO, CHIEF PSYCHIATRIST,

D. PILAK, psychologist, H. DIAZ, psychologist, T. LOAK AND psychologist, H. SMUZYNSKI medical Doctors At Plaintiff Treatment Team Meetings which each Defendant personally informed Plaintiff He was not suicidal until He tried to Kill Himself and there was nothing they could do until He attempted suicide. Plaintiff was Denied suicidal precaution By the Discharged orders of Defendant(s) Chief psychiatrist, Y. RAO, Chief psychiatrist, D. PILAK, psychologist, H. DIAZ, psychologist, T. LOAK AND psychologist, H. SMUZYNSKI within less than 24 hours of Being Admitted into The Mental Health Crisis Bed (MHCB) By A license Medical Doctor, Psychiatrist/psychologist. Plaintiff was wrongfully Discharged in violation of The CDCR, suicidal precaution when Plaintiff was Discharged to A.S.U. #1 for furnishing equipment for an escape which Plaintiff did The Right Thing By turning in The Identification and Plaintiff Also told His Treatment Team Defendant(s) Chief psychiatrist, Y. RAO, Chief psychiatrist, D. PILAK, psychologist, H. DIAZ, psychologist, T. LOAK AND psychologist, H. SMUZYNSKI He would Kill Himself By uncapping His catheter central line caps if He was placed in A.S.U. #1 or AD-526 Holding Unit

For following CCR title 15 Section 3005. Conduct  
 (a)(b) By turning in their co-workers Identification  
 Prison Card that was DAVITA Healthcare, INC.,  
 Technician, Luis Fajera Job to keep as his prison  
 Per CCR title 15 Section 3414. Identification,  
 "NOT Plaintiff Responsibility." Plaintiff was  
 immediately transported to Dialysis to Wasco  
 State Prison leaving part of his DMG's at The  
 (MHCB) at Cell #112, 1 knee sleeve, 1 knee brace, 1 walker,  
 Nylon Black Carry Bag with (2) tyrene wheels (4)  
 Clear Tec typing ribbon and (4) collectable Clear Tec  
 Correctional tape. Plaintiff informed DAVITA  
 Healthcare, INC. and its staff, Register Nurse  
 Nicole Gomez, Technician, Roger Finch and  
 Technician, Ashante Doe when he go back to (KVOP)  
 and he is discharge from the Crisis Bed he  
 will uncap his catheter central line caps to kill  
 himself. Both Defendants) Chief psychiatrist,  
 Y. KAO, Chief psychiatrist, D. PILAK, Psychologist,  
 H. DIAZ, Psychologist, T. LOK, Psychologist, H.  
 SMUZYSKI, DAVITA Healthcare, INC. and its staff  
 Register Nurse, Nicole Gomez, Technician Roger  
 Finch and Technician, Ashante Doe Personal  
 Did nothing to provide suicidal precaution and  
 to follow CCR policies set in place for  
 suicidal precaution. Plaintiff was transported  
 back to Kern Valley State Prison from Wasco  
 State Prison by Defendant(s) Correctional

officer, D.A. Lopez AND Correctional officer, M. Cuebas when Plaintiff personally informed both officers of his suicidal ideations to UNCAP his life sustaining catheter central line caps when he is discharged to A.S.U. or AD-326 Having which upon arrival Defendants correctional officer, D.A. Lopez AND Correctional officer, M. Cuebas informed Plaintiff he would NOT RETURN to his (MHCB) Having #112 AND THAT IT WAS ABOVE their pay grade to REPORT Plaintiff suicidal ideations to Defendants 1 WARDEN C. PFFER AND Chief Medical officer M.A. Felder. Plaintiff was TAKING TO RECEIVING AND RELEASE (R&R) TO BE STRIPPED OUT AND left in A Holding cage when Plaintiff UNCAPPED BOTH lines to his central catheter to his main artery connected inside his heart bleeding out within in seconds covering the holding cell floor with blood, taking A Response team approx (10) minutes to respond leaving Plaintiff in imminent danger before stopping the bleeding by clapping off his central line caps AND NOT SECURING THEM AND escorting Plaintiff to the Emergency Room where nothing was done AND Plaintiff was Denied suicidal precaution. He was placed in A Holding cell under the direct supervision of Defendants) Correctional officer, D.A. Lopez AND Correctional officer, M. Cuebas who

WATCHED PLAINTIFF UNCAP HIS CENTRAL LINE CATHETER AGAIN BLEEDING OUT WITHIN SECONDS COVERING THE CASE FLOOR AND OUTSIDE THE CASE FLOOR WITH BLOOD TAKING A RESPONSE MEDICAL TEAM OVER 3-5 MINUTES TO RESPOND TO TAKE PLAINTIFF BACK TO THE EMERGENCY ROOM STILL NOT PLACING PLAINTIFF IN TALK POINT RESTRAINTS TO PREVENT HIS SUICIDE ATTEMPTS TO END HIS LIFE. EVEN AFTER THE SECOND SUICIDE ATTEMPT BY PLAINTIFF TO END HIS LIFE PLAINTIFF WAS NEVER ADMITTED BACK INTO THE CRISIS BED FOR SUICIDAL PREVENTION TO PREVENT RISK TO SELF BY DEFENDANT PSYCHIATRIST, H. AZIZI

WHO RELEASED PLAINTIFF TO AD-526, 1 on 1 WATCH CELL WITH NO BRIGHT LIGHTS OR TO VISUALLY WATCH PLAINTIFF, NO SUICIDE BLANKET OR MATTRESS TO SLEEP OR LAY ON. IMMEDIATELY PLAINTIFF LIFE WAS PLACED IN IMMINENT DANGER OF SELF HARM WHEN UNDER DIRECT SUPERVISION PLAINTIFF UNCAPPED HIS CENTRAL LINE CATHETER CAPS FOR A THIRD TIME COVERING THE CELL FLOOR WITH HIS BLOOD BLEEDING OUT AND DEFICATING ON HIMSELF UNTIL HE WAS UNCONSCIOUS LAYING IN HIS OWN BLOOD AND FECES FOR ALMOST THIRTY MINUTES. PLAINTIFF WAS PLACED IN AD-526 HOLDING UNIT TO DIE BY DEFENDANT PSYCHIATRIST

H. AZIZI DIRECT ATTEMPT TO ALLOW SELF HOMICIDE ATTEMPT BY SUICIDE WHEN PLAINTIFF WAS

Sadietly Denied Admission into The Crisis Bed  
 AND Denied Suicide PRECUTION AND NOT  
 IMMEDIATELY TRANSFERRED INTO THE MENTAL HEALTH  
 CRISIS BED (MHCB) CAUSING THE NEAR DEATH OF  
 SELF MUTILATION. AFTER THIRTY MINUTES OF PLAINTIFF  
 LYING IN HIS OWN BLOOD AND FECES THE ALARM  
 WAS ACTIVATED AND PLAINTIFF WAS LEFT BLEEDING  
 IN HIS CELL AS THE FLOOR GUARDS NOT RESPOND-  
 ING TO ORDERS FOR ALMOST TWENTY MORE MINUTES  
 UNTIL HE WAS PHYSICALLY CELL-EXTRACTED  
 BY DEFENDANT(S) CORRECTIONAL SERGEANT I. ROSALES,  
 CORRECTIONAL OFFICER, J. VALDEZ, CORRECTIONAL OFFICER,  
 B. RIOS, CORRECTIONAL OFFICER, A. VARGAS, CORRECTIONAL  
 OFFICER F. GIMENEZ WHO VIOLATED CDCR POLICY, RESPECT  
 TO ONE OR MORE OF THE ISSUES GROUNDED WHEN THEY USED  
 UNNECESSARY EXCESSIVE FORCE AS THEY FAILED  
 TO VIDEO RECORD THE CELL-EXTRACTION AND THE USE  
 FORCE WHEN THEY ATTACKED PLAINTIFF THEN DRAGGED  
 PLAINTIFF FROM HIS SEVERE TORN ROTATOR CUFF INJURY  
 FURTHER INJURING AND DAMAGING A PRE-EXISTENT  
 INJURY HOSPITALIZATION PLAINTIFF FOR SEVERE LOST  
 OF BLOOD, BLEEDING FROM RECTUM, LOW HYPOTENSION  
 AND CHEST PAIN FROM 5/23/20 THROUGH 5/28/20  
 RETURNING WITH SUICIDAL IDEATIONS TO KERN VALLEY  
 STATE PRISON TTA AND ADMITTED IMMEDIATELY TO  
 THE MENTAL HEALTH CRISIS BED (MHCB) FOR  
 SUICIDAL PRECUTION OF SELF HARM AND AD-SEG  
 HARBOR IN THE CORRECTIONAL TREATMENT CENTER (CTC).

Due to Plaintiff Right to Redress Grievances  
 Against the Retaliatory Reproaches taken Against Him For  
 turning in A Identification prison Card of Defendant  
 Technician, Law FENSECA plaintiff was intentionally  
 OSTRACIZE By Each Named Defendants By Each  
 of Their personal Direct involvement with plaintiff  
 Deprivation to Deprive Him of His First, Eighth  
 AND Fourteenth Amendment Constitutional Rights,  
 When Plaintiff was Retaliated Against For  
 Grievancing, Placed on AD-SEG which was cruel  
 AND unusual punishment AND Deliberate indiff-  
 erence to plaintiff serious High Risk Mental  
 Health Needs, Safety AND welfare Degrade plaintiff  
 Suicidal precution which was A equal protection  
 Under The Fourteenth Amendment to Be protected  
 By The Defendants. Instead on 6/09/20 After The  
 Numerous Violations A VITEK HEARING WAS CARRED  
 OUT TO Silence plaintiff out of Retaliation of Redress-  
 ing His Right to Grieve About plaintiff  
 Being Intentionally Denied Health Services For  
 Mental Health AND The Deliberate Attempted Murder  
 By Advance Suicide Attempt on 5/22/20. plaintiff  
 was maliciously, Sadistic, AND Intentionally Deprived  
 His Due Process Rights under CCR Title 15 Sections  
 3999.202 Informed Consent to Treatment (2),  
 3999.203 Capacity for Informed Consent, 3999.342  
 Placement in A Department of State Hospitals,  
 Hospital (a)(1)(2)(3)(4)(5)(b)(c), Penal Code 2684 AND

VITEK V. JONES (1980), 455 U.S. 480, 100 S. CT. 1254.

THE INTENTIONALLY ACT OF RETALIATORY REPRISALS AGAINST PLAINTIFF TO DEPRIVE HIM OF A CONSTITUTIONAL RIGHT OF A FAIR HEARING WAS MALICIOUSLY, SADISTICALLY AND INTENTIONALLY CARRIED OUT TO CAUSE FURTHER INJURIES AND HARM TO PLAINTIFF MENTAL HEALTH AND TO KEEP PLAINTIFF FROM PARTICIPATING AND PREPARING IN HIS DEFENSE TO REFUSE CONSENT, BY CALLING WITNESSES TO REFUTE DEFENDANT'S CHIEF PSYCHIATRIST, Y. KAO CHIEF PSYCHIATRIST, D. PILAK, PSYCHOLOGIST T. LOAK, PSYCHOLOGIST, H. DIAZ, PSYCHOLOGIST H. SZUZYNSKI, WARDEN C. PFIFFER AND CCI HERNANDEZ REASONS FOR REFUSE TO RAISE PLAINTIFF LEVEL OF CARE FROM CCCMS TO AN LEVEL OF IN-PATIENT PSYCH TREATMENT AND RETURN TO THE DEPARTMENT OF STATE HOSPITAL (DSH) WAS NOT BASED BASED ON A MENTAL DIAGNOSIS FOR TREATMENT NOR MEDICATION OR A COURT ORDER OF KEYHRA V. RUSHEW. IN THE ILLEGAL VITEK HEARING IN THE DEFENDANT'S NOTES OR REPORTS DID THEY GIVE IN THEIR REASONS FOR THEIR "DECISIONS" AND "EVIDENCE" RELIED UPON IN MAKING THEIR DECISION ANY PERTINENT MATERIAL ADMISSIBLE EVIDENCE TO SUPPORT WAIVING PLAINTIFF'S RIGHT TO CONSENT, DEPRIVING PLAINTIFF A RIGHT TO REFUSE. ONLY STATING IN THEIR DECISIONS THAT THEY AGREED THAT PLAINTIFF WOULD BENEFIT FROM IN-PATIENT PSYCH TREATMENT AND TRANSFER TO DEPARTMENT STATE HOSPITALS (DSH).

NOT ONLY WASN'T PLAINTIFF ADMITTED OR TRANSFERRED  
 TO DEPARTMENT STATE HOSPITAL (DSH) FOR IN-  
 PATIENT PSYCH TREATMENT ON 6/18/20 PLAINTIFF WAS  
 TRANSFER TO CHCF-STOCKTON A NON-LICENSED IN-PATIENT  
 PSYCH DEPARTMENT STATE HOSPITAL (DSH) FOR ALMOST  
 THIRTY DAYS FROM 6/18/20 THROUGH 7/27/20 UNTIL.  
 PLAINTIFF WAS TRANSFERRED TEMPORARY OUT-PATIENT  
 HOME UNIT (OHU) AS A TEMP MEDICAL HOLD DUE TO  
 COVID-19 AFTER KERN VALLEY STATE PRISON ADMITTED HIM  
 WRONGFULLY PLACING HIM IN AD-SEG, RELEASED PLAINTIFF  
 IMMEDIATELY AND FINDING PLAINTIFF NOT GUILTY OF  
 RVR 1-15 OF POSSESSION OF ESCAPE PARAPHERNALIA DIS-  
 MISSING THE FABRICATED RULE VIOLATION WHICH SET  
 THE DIRECT RETALIATION AND INJURIES TO PLAINTIFF  
 PHYSICAL & MENTAL HEALTH SERIOUS NEEDS SAFETY  
 AND WELFARE CAUSE CRUEL AND UNUSUAL PUNISH-  
 MENT AND EQUAL PROTECTION OF THE PROCESS  
 OF A VITEK HEARING IN MENTAL AND SUBJECTING  
 PLAINTIFF HIGH RISK SERIOUS HEALTH TO COVID-19  
 AS HE CAME IN CONTACT WITH SEVERAL COVID-19  
 PATIENTS THAT DIED FROM THE DEADLY VIRUS.  
 IF DEFENDANT DAVITA HEALTHCARE, INC. AND  
 THEIR EMPLOYEE TECHNICIAN, LOUIS FONSECA WOULD  
 HAVE TOLD THE TRUTH AND NOT LIES TO HELP CUSTODY  
 FABRICATE A RVR 1-15 NONE OF THIS WOULD  
 HAVE HAPPENED TO PLAINTIFF IN CHAM III AT ALL.

E. REQUEST FOR RELIEF

State the relief you are seeking:

Full Relief in individual AND official capacity in Monterey AND  
punitive Compensation for \$1,000,000.00 each Defendant  
AND Request for Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

9/29/2021

DATE

James J. Calloway  
SIGNATURE OF PLAINTIFF

N/A

(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

N/A

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

1 PRISON LAW OFFICE  
DONALD SPECTER – 83925  
2 REBEKAH EVENSON – 207825  
CORENE KENDRICK – 226642  
3 PENNY GODBOLD – 226925  
1917 Fifth Street  
4 Berkeley, California 94710  
Telephone: (510) 280-2621  
5 Email: revenson@prisonlaw.com

6 DISABILITY RIGHTS EDUCATION &  
DEFENSE FUND, INC.  
7 LINDA KILB – 136101  
2212 Sixth Street  
8 Berkeley, California 94710  
Telephone: (510) 644-2555

9 ROSEN, BIEN & GALVAN, LLP  
10 MICHAEL W. BIEN – 96891  
GAY C. GRUNFELD – 121944  
11 315 Montgomery Street, Tenth Floor  
San Francisco, California 94104-1823  
12 Telephone: (415) 433-6830

13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION  
17

18 JOHN ARMSTRONG, *et al.*,

19 Plaintiffs,

20 v.

21 EDMUND G. BROWN JR. *et al.*,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No. C94 2307 CW

**~~PROPOSED~~ ORDER MODIFYING  
JANUARY 18, 2007 INJUNCTION**

1 For the reasons set forth in this Court's Orders of August 22, 2012 (ECF No. 2180) and  
2 December 5, 2014 (ECF No. 2462), IT IS HEREBY ORDERED that the following shall be substituted  
3 in place of page seven, lines five through twelve of the January 18, 2007 Injunction (ECF No. 1045):

4 Defendants, their agents and employees shall promptly take all reasonable steps to comply with  
5 each provision set forth below:

6 A. Tracking of All Allegations of Staff Member Non-Compliance

7 1. Defendants, their agents and employees (Defendants) shall track any allegation that any  
8 employee of the Department of Corrections and Rehabilitation was responsible for any member of the  
9 Plaintiff class not receiving access to services, programs, activities, accommodations or assistive  
10 devices required by any of the following: the Armstrong Remedial Plan, the Americans with  
11 Disabilities Act or this Court's prior orders. Allegations to be tracked include, but are not limited to,  
12 those received from CDCR staff, prisoners, Plaintiffs' counsel, administrative appeals and third parties.  
13 All such allegations shall be tracked, even if the non-compliance was unintentional, unavoidable, done  
14 without malice, done by an unidentified actor or subsequently remedied.

15 2. The allegations shall be tracked in an electronic spreadsheet that can be searched and sorted.  
16 The spreadsheet shall contain at least the following information: the prison at which the incident  
17 occurred, the name and CDCR number of the prisoner, the date of the allegation, the name of the  
18 employee(s), the date the investigation was initiated, the name and title of the investigator, the date the  
19 investigation was completed, the result of the investigation, the number of prior allegations of non-  
20 compliance against the employee(s), and the action taken, if any, as a result of the investigation,  
21 including whether the incident was referred to the Office of Internal Affairs.

22 3. The spreadsheet shall be produced to Plaintiffs' counsel in electronic format monthly. When  
23 the spreadsheet is produced to Plaintiffs' counsel, the employees' names shall be removed and shall be  
24 replaced with a unique identifier. When redacting employees' names in records produced to Plaintiffs  
25 in accordance with this Order, Defendants shall consistently identify an individual employee by the  
26 same unique identifier.

1 B. Investigations

2 1. Defendants shall investigate all allegations of employee non-compliance, regardless of  
3 whether the allegation includes the name of the employee(s). Investigations shall be initiated within ten  
4 business days of receiving notice of such allegations and shall be completed as promptly as possible.  
5 Investigations must include a review of all information necessary to determine whether or not the  
6 allegation is true and shall include an interview with the affected prisoner(s). The investigation must  
7 result in a written report that shall list all sources of information relied upon in deciding whether  
8 employee non-compliance occurred and whether any other finding(s) of non-compliance against the  
9 employee(s) has been sustained.

10 2. If Plaintiffs' counsel has a good faith disagreement with the result of a particular  
11 investigation, they may request a copy of the written report and it shall be produced. In such instances,  
12 Plaintiffs' counsel shall have the right to review all written documents utilized in making the  
13 determination set forth in the report. Upon a showing of need, Plaintiffs' counsel shall also have the  
14 right to interview individuals who provided information utilized in making this determination.

15 3. When producing documents to Plaintiffs' counsel pursuant to this section, Defendants shall  
16 replace employees' names with unique identifiers as described in paragraph A.3.

17 C. Corrective Action and Discipline

18 1. Whenever an investigation reveals employee noncompliance, Defendants must comply with  
19 procedures set forth in Defendants' November 21, 2008 memorandum, "Expectations for Staff  
20 Accountability and Non-Compliance of the Disability Placement Program."

21 2. Defendants shall determine whether to initiate disciplinary proceedings or corrective action  
22 against an employee found in non-compliance, depending upon the number of prior violations, the  
23 seriousness of the harm to the prisoner, and the culpability of the employee. Defendants shall  
24 discipline employees in compliance with the Employee Disciplinary Matrix set forth in the CDCR  
25 Departmental Operations Manual, Chapter 3, Article 22, Personnel, Training, and Employee Relations.

26 3. All determinations of whether to initiate disciplinary proceedings or corrective action shall  
27 be produced to Plaintiffs' counsel upon request. When producing these documents to Plaintiffs'  
28

1 counsel, Defendants shall replace employees' names with unique identifiers as described in paragraph  
2 A.3.

3 D. Dispute Resolution

4 1. In the event of a dispute about the production of information, the results of Defendants'  
5 investigation of alleged non-compliance or their decision about whether to initiate corrective action,  
6 Plaintiffs' counsel shall provide notice to Defendants and attempt to resolve the matter through  
7 negotiation. Defendants must respond to this notice within ten business days.

8 2. If the parties are unable to resolve the dispute informally, Plaintiffs' counsel may request that  
9 the Court's expert review and resolve the matter. Depending on the nature of the dispute, the Court's  
10 expert shall resolve disputes about the production of information, determine whether non-compliance  
11 occurred or, if it did, whether corrective action should be initiated. When requesting review by the  
12 Court's expert, Plaintiffs' counsel shall substantiate their contentions with sworn declarations from the  
13 class member or members involved, signed under penalty of perjury. Defendants shall produce all  
14 documents requested by the Court's expert and shall make all employees available for interview, on a  
15 confidential or nonconfidential basis as determined by the Court's expert. Administrative  
16 recommendations made by the Court's expert pursuant to this section shall be reviewable by this Court  
17 on a motion by any party dissatisfied with the expert's decision. The review shall be conducted  
18 pursuant to the requirements of 28 U.S.C. § 636(b)(1)(C), the procedure for the review of a report and  
19 recommendation by a magistrate judge.

20 3. The parties dispute whether certain incidents set forth in the pleadings constitute non-  
21 compliance with the Remedial Order. Plaintiffs' counsel shall inform Defendants which incidents  
22 remain in dispute and shall attempt to resolve these disputes through negotiation with Defendants. If  
23 negotiations fail, the disputes may be referred to the Court's expert pursuant to paragraph D.2., above.

24 E. Protective Order

25 The parties shall negotiate an order to protect the state law rights of Defendants' employees  
26 from unnecessary disclosure of personnel information. All documents that contain personnel  
27 information produced to Plaintiffs' counsel and the Court's expert pursuant to this Order shall be  
28

1 covered by this protective order. If the parties are unable to agree on the terms of a protective order, the  
2 Court's expert will recommend one.

3 F. Notice

4 Defendants shall provide a copy of this Order to the present and future individual employees  
5 who occupy the following positions within the California Department of Corrections and  
6 Rehabilitations:

- 7 a. the Undersecretaries of the CDCR,
- 8 b. the Director of the Division of Adult Institutions,
- 9 c. the Deputy Directors of the Division of Adult Institutions,
- 10 d. the Associate Directors of the Division of Adult Institutions,
- 11 e. all Wardens of adult institutions, and
- 12 f. all adult institution ADA coordinators.

13 G. Miscellaneous

14 The procedures set forth in this order or in the 2007 Injunction shall not apply to staff working  
15 under the authority of the Receiver appointed by the court in Plata v. Brown.

16 **IT IS SO ORDERED.**

17  
18 Dated: 12/29/2014

19   
CLAUDIA WILKEN  
United States District Judge

**42 USCS § 12101**

Current through Public Law 117-21, approved June 30, 2021, excepting Public Law 117-2.

*United States Code Service > TITLE 42. THE PUBLIC HEALTH AND WELFARE (Chs. 1 — 161) > CHAPTER 126. EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES (§§ 12101 — 12213)*

**§ 12101. Findings and purpose**

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**(a) Findings.** The Congress finds that—

- (1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;
- (2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;
- (3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;
- (4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;
- (5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;
- (6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;
- (7) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and
- (8) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

**(b) Purpose.** It is the purpose of this Act—

- (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

## History

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### HISTORY:

Act July 26, 1990, *P. L. 101-336*, § 2, *104 Stat. 328*; Sept. 25, 2008, *P. L. 110-325*, § 3, *122 Stat. 3554*.

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**42 USCS § 12102, Part 1 of 2**

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*United States Code Service* > **TITLE 42. THE PUBLIC HEALTH AND WELFARE (Chs. 1 — 161)** >  
**CHAPTER 126. EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES (§§ 12101 — 12213)**

**§ 12102. Definition of disability**

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As used in this Act:

**(1) Disability.** The term “disability” means, with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment (as described in paragraph (3)).

**(2) Major life activities.**

(A) In general. For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B) Major bodily functions. For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**(3) Regarded as having such an impairment.** For purposes of paragraph (1)(C):

(A) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

**(4) Rules of construction regarding the definition of disability.** The definition of “disability” in paragraph (1) shall be construed in accordance with the following:

(A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

(B) The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(E)

(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(II) use of assistive technology;

(III) reasonable accommodations or auxiliary aids or services; or

(IV) learned behavioral or adaptive neurological modifications.

(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(iii) As used in this subparagraph—

(I) the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(II) the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

## History

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### HISTORY:

Act July 26, 1990, *P. L. 101-336*, § 3, *104 Stat. 329*; Sept. 25, 2008, *P. L. 110-325*, § 4(a), *122 Stat. 3555*.

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**42 USCS § 12132**

Current through Public Law 117-21, approved June 30, 2021, excepting Public Law 117-2.

*United States Code Service > TITLE 42. THE PUBLIC HEALTH AND WELFARE (Chs. 1 — 161) > CHAPTER 126. EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES (§§ 12101 — 12213) > PUBLIC SERVICES (§§ 12131 — 12165) > PROHIBITION AGAINST DISCRIMINATION AND OTHER GENERALLY APPLICABLE PROVISIONS (§§ 12131 — 12134)*

**§ 12132. Discrimination**

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Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

**History**

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**HISTORY:**

Act July 26, 1990, *P. L. 101-336*, Title II, Subtitle A, § 202, *104 Stat. 337*.

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## 42 USCS § 12203

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*United States Code Service* > **TITLE 42. THE PUBLIC HEALTH AND WELFARE (Chs. 1 — 161)** > **CHAPTER 126. EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES (§§ 12101 — 12213)** > **MISCELLANEOUS PROVISIONS (§§ 12201 — 12213)**

### § 12203. Prohibition against retaliation and coercion

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**(a) Retaliation.** No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this Act or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

**(b) Interference, coercion, or intimidation.** It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

**(c) Remedies and procedures.** ~~The remedies and procedures available under sections 107, 203, and 308 of this Act [42 USCS §§ 12117, 12133, 12188] shall be available to aggrieved persons for violations of subsections (a) and (b), with respect to title I, title II and title III [42 USCS §§ 12111 et seq., 12131 et seq., 12181 et seq.], respectively.~~

### History

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#### **HISTORY:**

Act July 26, 1990, *P. L. 101-336*, Title V, § 503, *104 Stat. 370*.

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[CCP §§ 1013(a), 2015.5]

STATE OF CALIFORNIA, COUNTY OF San Joaquin

I am a citizen of the County of San Joaquin, State of California. I am a citizen of the United States of America. I am over the age of eighteen (18) and not a party to this action. I am a resident of the County of San Joaquin, CDCR# F47743

My address is:

California Health Care Facility

7707 S. AUSTIN ROAD

Stockton, CA 95215

On September 27, 2021, I served via United States Mail a copy of the following document(s):

The above-noted legal document(s) was placed in a sealed envelope, with postage thereon fully prepaid, addressed to the person at the address indicated below pursuant to California Code of Civil Procedure Section 1013. I placed the envelope or package in a mailbox or other like facility addressed to:

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
Office of the Clerk, USDC  
2500 TULACE STREET, SUITE  
F228ND, CA. 95721

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. This document was executed on Sept 27, 2021 in San Joaquin County, California.

James J. Callaway

Type or Print Name

James J. Callaway  
Signature